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RJH
Paper Number 23

MAILED
DEC 15 1997
EXAMINER OF THE
GROUP 1800

In re Application of
Linda G. Cima et al
Serial No. 08/398,555

Filed: March 3, 1995

For: CELL GROWTH SUBSTRATES
WITH TETHERED CELL GROWTH
EFFECTOR MOLECULES

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed September 29, 1997, to enter the amendment after final filed on September 4, 1997.

On September 4, 1997, applicants filed a proposed amendment after final rejection. On September 16, 1997, an advisory action was mailed to applicants which indicated that the proposed amendment after final would not be entered since it raised new issues that would require further consideration and/or search. Specifically, the examiner stated that the proposed limitations requiring branched tethers able to covalently link more than one growth effector molecule were new and would require further search and consideration, e.g., of their obviousness over a reference which was then cited by the examiner.

Petitioner argued that the previous claims were already broad enough to encompass both branched and linear tethers, the examiner's original search revealed art disclosing branched polymers, and such limitations were clearly supported by the specification. From this, petitioner concludes that no new search would be required and, therefore, the amendment should be entered.

It appears that petitioner is correct insomuch as the previous claims were already broad enough to encompass both branched and linear tethers, the examiner's original search revealed art disclosing branched polymers, and such limitations appear to be supported by the specification. However, even though the proposed amendments would not necessarily require further search or raise the issue of new matter, the examiner is also correct in arguing that the proposed amendments clearly would require further consideration that would possibly require new rejections. This fact alone is sufficient for the examiner to properly deny entry of the proposed amendment after final. Consequently, the petition is hereby denied.

PETITION DENIED

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